



VFW

COMMISSIONER FOR PATENTS  
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In re application of: David MORTON, et al.  
Serial No.: 10/571,146  
Filed: March 9, 2006  
For: **DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMONARY INHALATION**

Sir:

Transmitted herewith is a **Request for Corrected Filing Receipt (2 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:
- ☒ Also transmitted herewith are:  
☐ Petition for month extension under 37 C.F.R. 1.136  
☒ Other: **Copy of Filing Receipt with the changes noted thereon (3 pages); Executed Supplemental Declaration and Power of Attorney Document (1 page); Application Data Sheet (2 pages); and return receipt postcard.**
- ☐ Check(s) in the amount of \$ 0.00 is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition for month extension under 37 C.F.R. 1.136  
☐ Other:
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
Robert J. Paradiso, Reg. No. 41,240  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 5, 2007.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Oleg Ioselevich



478.1075

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: David MORTON *et al.*  
Serial No.: 10/571,146  
Filed: March 9, 2006  
For: **DRY POWDER COMPOSITION COMPRISING CO-  
JET MILLED PARTICLES FOR PULMONARY  
INHALATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 5, 2007

**REQUEST FOR CORRECTED FILING RECEIPT AND  
SUBMISSION OF SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY**

S i r:

Please correct the filing receipt for the above-referenced patent application, as indicated on the attached copy of the filing receipt with the changes noted thereon, to delete priority claims to the following foreign applications: United Kingdom Application No. 0321612.4, filed September 15, 2003, United Kingdom Application No. 0321608.2, filed September 15, 2003, and United Kingdom Application No. 0409133.6, filed April 23, 2004.

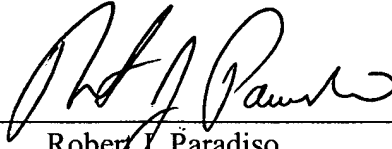
The only foreign application that shall be listed on the corrected filing receipt is United Kingdom Application No. 0321607.4, filed September 15, 2003. Applicants submit that the claims to the deleted foreign applications were inadvertently included during the International phase.

A new Application Data Sheet and the executed Supplemental Declaration and Power of

Attorney document, both reflecting this change are being submitted herewith.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Robert J. Paradiso  
Reg. No. 41,240

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/571,146	07/17/2006	1615	1980	4781075	5	39	1

23280

DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 SEVENTH AVENUE, 14TH FLOOR  
 NEW YORK, NY 10018

**RECEIVED**  
 AUG 23 2006

DAVIDSON, DAVIDSON & KAPPEL

CONFIRMATION NO. 3651

## FILING RECEIPT



\*OC000000019930671\*

Date Mailed: 08/09/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David Morton, Wiltshire, UNITED KINGDOM;  
 John Staniforth, Wiltshire, UNITED KINGDOM;

## Assignment For Published Patent Application

Vectura Limited, Chippenham, UNITED KINGDOM

**Power of Attorney:** The patent practitioners associated with Customer Number 23280.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB04/03996 09/15/2004

## Foreign Applications

~~UNITED KINGDOM 0321612.4 09/15/2003~~  
~~UNITED KINGDOM 0321608.2 09/15/2003~~  
 UNITED KINGDOM 0321607.4 09/15/2003  
~~UNITED KINGDOM 0409133.6 04/23/2004~~

If Required, Foreign Filing License Granted: 08/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/571,146**

Projected Publication Date: 11/16/2006

Non-Publication Request: No

*aw*  
*08/09/06*

**Early Publication Request:** No

**Title**

Dry powder composition comprising co-jet milled particles for pulmonary inhalation

**Preliminary Class**

424

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

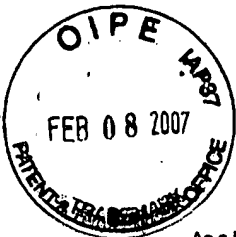
date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

Docket No.: 478.1075

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMONARY INHALATION**  
the specification of which (check one)

☐ is attached hereto

☒ was filed on March 9, 2006 as U.S. Application Serial No. 10/571,146, national phase of International Application No. PCT/GB04/03998, filed September 15, 2004.

☐ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

0321607.4	Great Britain	15/09/2003	Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	
			Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
			Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
			Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	Day/Month/Year Filed	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Day/Month/Year Filed	Status
Application Serial Number	Day/Month/Year Filed	Status

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,158, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,588, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	David Morton
Inventor's signature	<i>David Morton</i> *
Date	28 - Nov 06 *
Residence	Wiltshire, Great Britain
Post Office Address	1 Prospect West, Chippenham, Wiltshire, United Kingdom, SN14 6FH
Citizenship	United Kingdom

Full name of additional inventor	John STANFORTH
Inventor's signature	<i>John Stanforth</i> *
Date	15th Dec 2006 *
Residence	Wiltshire, Great Britain
Post Office Address	1 Prospect West, Chippenham, Wiltshire, United Kingdom, SN14 6FH
Citizenship	United Kingdom

☐ Additional inventors named on attached sheet(s).



Application Data Sheet

Application Information

Application Type::	U.S. National Phase Filing Under 35 U.S.C. § 371
Subject Matter::	Utility
Title::	<b>DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMONARY INHALATION</b>
Total Drawing Sheets::	5
Formal Drawings::	YES
Attorney Docket Number::	478.1075

Applicant Information

Inventor One Given Name::	David
Family Name::	MORTON
Street of mailing address::	1 Prospect West
City of Residence::	Chippenham, Wiltshire
State or Country of Residence::	United Kingdom
Postal or Zip Code::	SN14 6FH
Citizenship Country::	United Kingdom

Inventor Two Given Name::	John
Family Name::	STANIFORTH
Street of mailing address::	1 Prospect West
City of Residence::	Chippenham, Wiltshire
State or Country of Residence::	United Kingdom
Postal or Zip Code::	SN14 6FH
Citizenship Country::	United Kingdom

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Electronic Mail::	<a href="mailto:ddk@ddkpatent.com">ddk@ddkpatent.com</a>

Representative Information

Representative Customer Number::	23280
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## Application Data Sheet

### Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application is a	National Stage of	PCT/GB2004/003996	15 September 2004

### Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
Great Britain	0321607.4	September 15, 2003	YES

### Assignee Information

Name::	Vectura Limited
Street of mailing address::	1 Prospect West
City of mailing address::	Chippenham, Wiltshire
Country of mailing address::	United Kingdom
Postal or Zip Code of mailing address::	SN14 6FH